



PATENT

IPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 04-183 (400/147))

In the Application of:

McSwiggen et al.

Serial No.: 10/798,090

Filing Date: March 11, 2004

For: RNA Interference Mediated Inhibition of  
Muscarinic Cholinergic Receptor Gene  
Expression Using Short Interfering  
Nucleic Acid (siNA)

) Examiner: TBD

) Group Art Unit: 1636

) Confirmation No.: 6030

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**TRANSMITTAL LETTER**

In regard to the above identified application:

1. We are transmitting herewith the attached papers for the above identified new patent application:

- Second Supplemental Information Disclosure Statement;
- Second Supplemental Information Disclosure Statement (IDS) PTO-1449 Form;
- Copies of IDS Citations for S/N 10/798,090 (Total 3 foreign patents and 3 other documents); and
- Return Receipt Postcard.

2. With respect to additional fees, no additional fee is required.

3. GENERAL AUTHORIZATION: Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.

4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on August 4, 2005.

By :

Anita J. Terpstra  
Reg. No. 47,132



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 04-183 (400/147) )

In the Application of: )  
McSwiggen et al. )  
Serial No.: 10/798,090 )  
Filing Date: March 11, 2004 )  
For: RNA Interference Mediated Inhibition of )  
Muscarinic Cholinergic Receptor Gene )  
Expression Using Short Interfering )  
Nucleic Acid (siNA) )

) Examiner: TBD  
Group Art Unit: 1636  
Confirmation No.: 6030

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. Section 1.97 - 1.99, the Applicant wishes to make the following references of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. Section 1.56. This application is a continuation-in-part of U.S. Patent Application No. 10/757,803, filed January 14, 2004, which is a continuation-in-part of U.S. Patent Application No. 10/720,448, filed November 24, 2003, which is a continuation-in-part of U.S. Patent Application No. 10/693,059, filed October 23, 2003, which is a continuation-in-part of U.S. Patent Application No. 10/444,853, filed May 23, 2003, which is a continuation-in-part of International Patent Application No. PCT/US03/05346, filed February 20, 2003, and a continuation-in-part of International Patent Application No. PCT/US03/05028, filed February 20, 2003, both of which claim the benefit of U.S. Provisional Application No. 60/358,580 filed February 20, 2002, U.S. Provisional Application No. 60/363,124 filed March 11, 2002, U.S. Provisional Application No. 60/386,782 filed June 6, 2002, U.S. Provisional Application No. 60/406,784 filed August 29, 2002, U.S.

Provisional Application No. 60/408,378 filed September 5, 2002, U.S. Provisional Application No. 60/409,293 filed September 9, 2002, and U.S. Provisional Application No. 60/440,129 filed January 15, 2003. This application is also a continuation-in-part of US Patent Application No. 10/427,160, filed April 30, 2003 and International Patent Application No. PCT/US02/15876 filed May 17, 2002. In accordance with Rule 37 CFR §1.98(d), those references marked with an "\*" have been previously cited and submitted to the Patent and Trademark Office with the prior applications and additional references are enclosed herein. All references cited are also listed in the PTO-1449 form enclosed herewith.

As this Information Disclosure Statement is being submitted after receipt of a foreign search report, a copy of the search report is attached herewith.

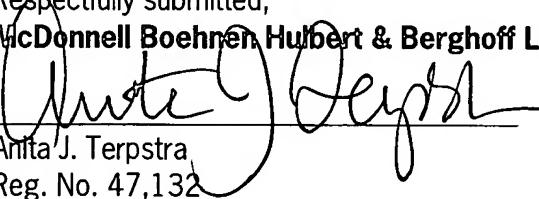
In the judgment of the undersigned, portions of the listed references may be material to the Examiner's consideration of the presently pending claims. This statement is not a representation that the listed references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. Section 102 or Section 103.

Applicants do not believe any fee is due with this submission. If this belief is in error and the Patent Office determines that the fee prescribed in the relevant portion of 37 C.F.R. Section 1.97 is applicable, the undersigned attorney by his signature hereby authorizes any such fee to be debited from Deposit Account 13-2490.

Date: August 4,

2005

By:

Respectfully submitted,  
**McDonnell Boehnen Hulbert & Berghoff LLP**  
  
Anita J. Terpstra  
Reg. No. 47,132

McDonnell Boehnen Hulbert & Berghoff LLP  
300 South Wacker Drive, 32<sup>nd</sup> Floor  
Chicago, IL 60606  
Telephone: 312-913-0001  
Facsimile: 312-913-0002

FORM PTO-1449 (Rev. 2-32)	O I P E AUG 08 2005 PATENT & TRADEMARK OFFICE SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (Use several sheets if necessary)	U.S. Department of Commerce Patent and Trademark Office	Atty. Docket No. 04-183 (400/147)	Serial No. 10/798,090
		<b>Applicant:</b> McSwiggen et al.		
		Filing Date: March 11, 2004	Group: 1636	

## FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
	1.	03/070887	08/28/03	WO (McSwiggen et al.)				
	2.	03/070896	08/28/03	WO (McSwiggen et al.)				
	3.	03/074654	09/12/03	WO (McSwiggen et al.)				

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc).

4.	International Search Report for PCT/US2004/027403 mailed July 12, 2005
5.	Jen et al., "Suppression of gene Expression by Targeted Disruption of Messenger RNA: Available Options and Current Strategies," <i>Stem Cells</i> , 18:307-319 (2000)
6.	Kuwabara et al., "A C. elegans patched gene, ptc-1, functions in germ-line cytokinesis," <i>Genes and Development</i> , 14(15):1933-1944 (2000)

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.